

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
By: JEAN-DAVID BARNEA
Assistant United States Attorney
86 Chambers Street, 3rd Floor
New York, New York 10007
Tel. (212) 637-2679
Fax (212) 637-2717

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROY DEN HOLLANDER, on behalf of himself and all
others similarly situated,

Plaintiff,

v.

INSTITUTE FOR RESEARCH ON WOMEN &
GENDER AT COLUMBIA UNIVERSITY; SCHOOL
OF CONTINUING EDUCATION AT COLUMBIA
UNIVERSITY; TRUSTEES OF COLUMBIA
UNIVERSITY IN THE CITY OF NEW YORK; U.S.
DEPARTMENT OF EDUCATION; MARGARET
SPELLINGS, U.S. SECRETARY OF EDUCATION in
her official capacity; CHANCELLOR OF THE BOARD
OF REGENTS, ROBERT M. BENNETT, in his official
capacity; NEW YORK STATE COMMISSIONER OF
THE DEPARTMENT OF EDUCATION, RICHARD P.
MILLS, in his official and individual capacity;
PRESIDENT OF THE NEW YORK STATE HIGHER
EDUCATION SERVICES CORP., JAMES C. ROSS, in
his official and individual capacity,

Defendants.

08 Civ. 7286 (LAK) (KNF)

ECF Case

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support
of the Federal Defendants' Motion to Dismiss the Complaint, Defendants the U.S. Department of
Education, and Margaret Spellings, Secretary of Education (collectively, the "Federal

Defendants”), by their attorney Michael J. Garcia, United States Attorney for the Southern District of New York, will move this Court before the Honorable Kevin Nathaniel Fox, United States Magistrate Judge, United States Courthouse, 500 Pearl Street, New York, New York 10007, at a date and time as the Court may direct, for an order dismissing the complaint pursuant to Federal Rule of Civil Procedure 12(b)(1) and 12(b)(6).

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Civil Rule 6.1(b) and Federal Rule of Civil Procedure 6(e), Plaintiff Roy Den Hollander’s answering papers, if any, must be served upon the United States Attorney’s Office, Southern District of New York, 86 Chambers Street, 3rd Floor, New York, New York, 10007, within 10 business days.

Dated: New York, New York
October 24, 2008

MICHAEL J. GARCIA
United States Attorney
Southern District of New York
Attorney for the Federal Defendants

By: /s/ Jean-David Barnea
JEAN-DAVID BARNEA
Assistant U.S. Attorney
86 Chambers Street, 3rd floor
New York, NY 10007
Tel. (212) 637-2679
Fax (212) 637-2717
Jean-David.Barnea@usdoj.gov

TO: Roy Den Hollander, *pro se* (via ECF)
Counsel for Defendants (via ECF)